

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

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| KEVIN STERK and JIAH CHUNG, |) | |
| individually, and on behalf of a class of |) | |
| similarly situated individuals, |) | |
| |) | Case No. 11-cv-01729 |
| Plaintiffs, |) | |
| |) | The Honorable Matthew F. Kennelly |
| v. |) | |
| |) | |
| REDBOX AUTOMATED RETAIL, LLC, |) | |
| a Delaware limited liability company, |) | |
| |) | |
| Defendant. |) | |

**DEFENDANT REDBOX AUTOMATED RETAIL, LLC’S MOTION FOR LEAVE TO
FILE AN ENLARGED BRIEF *INSTANTER***

Defendant Redbox Automated Retail, LLC (“Redbox”) moves this Court to enter an order allowing it leave to file *instanter* an enlarged Memorandum of Law in support of its Motion for Summary Judgment pursuant to Local Rule 7.1. In support of this Motion, Redbox states as follows:

1. Redbox has filed a Motion for Summary Judgment (Doc. 164) that seeks a judgment in Redbox’s favor of all Plaintiffs’ claims.
2. Plaintiffs bring two different types of claims in this action. First, they claim that Redbox has unlawfully disclosed their personally identifiable information (“PII”) under the Video Privacy Protection Act, 18 U.S.C. 2710 *et seq.* (“VPPA”). Second, they claim that Redbox has unlawfully their retained their PII in violation of the VPPA.
3. During the course of this litigation, the parties and this Court have separated these two types of claims for discovery and for dispositive motion practice, given that they involve separate facts and issues. (*E.g.* Doc. 144 (setting separate deadlines for retention discovery).)

For purposes of summary judgment, however, Redbox has elected to address both types of claims in one Motion so as to conclude the entirety of this case at once.

4. As a result, Redbox requires an additional eight pages for its Memorandum of Law in support of its Motion for Summary Judgment so that it may address the facts and arguments pertaining to both types of Plaintiffs' claims.

5. Redbox's proposed 23-page Memorandum of Law is filed at Doc. 166 (redacted version) and Doc. 167 (sealed version). In accordance with Local Rule 7.1, a Table of Contents and Table of Authorities is included in the Memorandum of Law. Should the Court deny this Motion, Redbox will withdraw that Memorandum from the docket.

Dated: April 8, 2013

Respectfully submitted,

/s/ Anthony T. Eliseuson

One of the attorneys for Defendant Redbox
Automated Retail, LLC

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CERTIFICATE OF SERVICE

I, Anthony T. Eliseuson, an attorney, hereby certify that on April 8, 2013, I electronically filed the preceding with the Clerk of Court using the CM/ECF system, which will send notification of such filing(s) to the following:

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/s/ Anthony T. Eliseuson

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